

§103 Rejection of the Claims

Claim 6 was rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention for containing the phrase “between about”.

Applicants respectfully traverses these grounds for rejection and points out that “about” is definite as determined by *Ex parte Eastwood*, 163 USPQ 316 (Bd. App. 1968); MPEP § 2173.05(b)(A). It is clear that the word “about” applies to both limits of the range. Further, several functions are described in the detailed description to help clarify the phrase. On page 5, line 13-15, “The numerical aperture of a single fiber is within a range of about 0.20 – 0.66, depending on the application of faceplate. In one embodiment, for ambient light rejection purpose, the numerical aperture is in a range of from about 0.24 to 0.35.” Thus, the phrase “between about” is definite and the rejection should be withdrawn.

§103 Rejection of the Claims

Claims 1-8 were rejected under 35 USC § 103(a) as being unpatentable over Chambers et al. in view of Adventures in Fiber Optics Kit by Industrial Fiber Optics, Inc. This rejection is respectfully traversed.

Evidence for a suggestion to combine is not of record. Thus, a prima facie case of obviousness has not been established and the rejection should be withdrawn.

The Office Action must provide specific, objective evidence of record for a finding of a suggestion or motivation to combine reference teachings and must explain the reasoning by which the evidence is deemed to support such a finding. *In re Sang Su Lee*, 277 F.3d 1338, 61 U.S.P.Q.2d 1430 (Fed. Cir. 2002). The Office Action stated “It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize the Ulexite optical faceplate disclosed by Adventures in Fiber Optics Kit by Industrial Fiber Optics, Inc. in combination with Chambers et al.’s invention, for the purpose of transferring the image to be displayed,” which is a mere conclusory statement of subjective belief. Applicant respectfully

submits that the Office Action has not provided objective evidence for a suggestion or motivation to combine the references.

Chambers et al. was also cited in the background of the present application as describing a “fused fiber optical face plate” in Page 2, line 23, that works as a “multiple channel spatial integration tube.” Also stated is the problems such a fused fiber optical faceplate present: “a very high cost and limited sizes of the fused optic faceplate available.” Page 2, lines 27-28. Further, “‘Dead fibers’ on the boundaries of a fiber optic faceplate cause visible black seams on the boundary.” Page 3, lines 1-2.

In spite of these problems with the Chambers et al. faceplate, there is no suggestion that any other faceplate could be used. In fact, Chambers et al. indicates that “the invention may be practiced with two spaced diffusing screens and no fiber optic array” Col. 4 lines 26-28. This is actually a suggestion against combining the references, since a faceplate is not even needed in the Chambers et al. patent.

No suggestion to combine the references was cited in the Office Action, or found in a review of Adventures in Fiber Optics Kit by Industrial Fiber Optics, Inc. If anything, this reference teaches away from a combination by stating: “Ulexite at this time is considered a low-grade boron source ore with no commercial use.” Page 9, last paragraph.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612-373-6972) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this 26 day of September, 2002.

Anne M. Richards

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